

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 2, 6, 9, and 13 were previously cancelled. Claims 15-28 and 30 were previously withdrawn in response to a restriction requirement. Claims 8, 10-12, and 14 are currently being amended. Claims 1, 3-5, 7, 8, 10-12, 14, 29, and 31-32 are pending in this application.

I. Rejection of Claims 8, 10-12, and 14 under 35 U.S.C. § 112

In section 2 of the Office Action, Claims 8, 10-12, and 14 were rejected under 35 U.S.C. § 112 as failing to comply with the written description requirement. Claims 8 and 12 have been amended to replace the phrase a “computer-readable medium having computer-readable instructions stored thereon that, upon execution by a processor, cause the processor to recover location information, the instructions configured to” with a “program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to cause the machine to” which finds support in Claims 8, 10-12, and 14 as originally filed. Thus, Claims 8, 10-12, and 14, as amended, comply with the written description requirement. Therefore, Applicants respectfully request withdrawal of the rejection of Claims 8, 10-12, and 14 under 35 U.S.C. § 112.

II. Rejection of Claims 8, 10-12, and 14 under 35 U.S.C. § 101

In section 3 of the Office Action, Claims 8, 10-12, and 14 were rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter because the “specification does not define a computer-readable medium and is thus non-statutory for that reason.” Claims 8 and 12 have been amended to replace the phrase a “computer-readable medium having computer-readable instructions stored thereon that, upon execution by a processor, cause the processor to recover location information, the instructions configured to” with a “program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to cause the machine to” which finds support in Claims 8, 10-12, and 14 as originally filed. Applicants respectfully submit that Claims 8, 10-12, and 14 recite statutory subject matter. Therefore, Applicants respectfully request withdrawal of the rejection of Claims 8, 10-12, and 14 under 35 U.S.C. § 101.

III. Rejection of Claims 1, 8, 29, 31, and 32 under 35 U.S.C. § 103(a)

In section 6 of the Office Action, Claims 1, 8, 29, 31, and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,763,233 to Bharatia (Bharatia) in view of US 6,839,323 to Foti (Foti I) and further in view of US 6,654,606 to Foti *et al.* (Foti II). Applicants respectfully disagree and respectfully submit that Bharatia, Foti I, and Foti II, alone and in combination, fail to teach, suggest, or describe all of the elements of at least independent Claims 1, 8, and 29.

Applicants respectfully submit that neither Bharatia, Foti I, nor Foti II teach “providing the TA and an address of the S-CSCF to a Home Subscription Server (HSS) for storage at the HSS” or “receiving the TA from the HSS” as recited in Claim 1, and similarly recited in Claims 8 and 29.

On pages 4-5 of the Office Action, the Examiner states:

The combination of Bharatia and Foti (US 6,839,323) does not specifically disclose providing the TA and an address of the S-CSCF to a Home Subscriber Server (HSS) for storage at the HSS, and receiving the TA from the HSS in response to a loss of the TA by the S-CSCF such that the TA is restored at the S-CSCF.

Foti (US 6,654,606) teaches providing the TA (see column 2, lines 9-24) and an address of the S-CSCF (column 2, lines 9-24) to a Home Subscription Server (HSS) for storage at the HSS (see column 2, lines 9-24), and receiving the TA from the HSS in response to a loss of the TA by the S-CSCF such that the TA is restored at the S-CSCF (also see column 2, lines 9-24, where Foti teaches HSS that stores transport address TA and CSCF in case a loss of the TA and CSCF, the TA and CSCF can be received from the HSS).

(Underlining added). Thus, the Examiner acknowledges that Bharatia and Foti I fail to teach at least these elements of Claims 1, 8, and 29. The Examiner looks to Foti II to provide these teachings. Applicants respectfully submit that Foti II also fails to teach at least these elements of Claims 1, 8, and 29.

Foti II is directed towards providing “a CSCF and method by which any CSCF receiving a call setup message can determine what call processing functions it should perform.” On pages 4-5 of the Office Action, Examiner cites to column 2, lines 9-24 as

disclosing “providing the TA and an address of the S-CSCF to a Home Subscription Server (HSS) for storage at the HSS” and “receiving the TA from the HSS in response to a loss of the TA by the S-CSCF.” Column 2, lines 9-24 of Foti II state:

In yet another aspect, the present invention is an all-IP network in which call processing of a call to a called MS is performed by a plurality of CSCFs. The network includes [1] a Home Subscriber Server (HSS) that stores location information for the called MS, [2] a **location server that stores a transport address for the called MS**, and [3] a Domain Name Server (DNS) that stores an address for a Home CSCF for the called MS. A relationship function is implemented in each of the plurality of CSCFs, and determines whether any CSCF that receives a call setup message is the Home CSCF for the called MS, a Serving CSCF for the called MS, or neither a Home CSCF nor a Serving CSCF for the called MS. Each CSCF also includes defined call processing functions that are selectively performed, depending on a result determined by the relationship function.

(Underlining, bolding, and reference numerals added). Thus, the recited passage of Foti II teaches a network having three distinct elements: 1) an HSS, 2) a location server, and 3) a domain name server. The recited passage of Foti II further teaches that the TA is stored in the location server and not in the HSS. The recited passage of Foti II still further teaches that the HSS stores location information. The recited passage of Foti II does not teach “providing the TA and an address of the S-CSCF to a Home Subscription Server (HSS) for storage at the HSS” nor does it teach “receiving the TA from the HSS in response to a loss of the TA by the S-CSCF such that the TA is restored at the S-CSCF” as recited in Claims 1, 8, and 29.

Foti II also states:

The Visited CSCF sends a Routing message 48 for the Destination Alias to the Location Server 23 in the Serving Network 31. This results in a Response to the Visited CSCF at 49 which indicates the transport address of the Terminating ME.

(Col. 4, lines 42-47). Thus, according to Foti II, the transport address is received from the Location Server, not from the HSS. In addition, it is further evident that the transport address is stored at the Location Server and, thus, the transport address is provided to the Location Server, not the HSS.

At column 4, lines 22-47, Foti II further states:

Therefore, referring once again to FIG. 2, the Home CSCF 28 sends a Query 43 to the HSS 27 to obtain location information for the called (terminating) mobile subscriber. In response, at step 44, **the HSS returns the IP address of the Visited CSCF 32 where the called mobile subscriber is currently located.**

At step 45, the Home CSCF answers the LRQ message from the GK CSCF 24 by sending the IP address of the Visited CSCF to the GK CSCF, and at 46, the GK CSCF sends a Fast Setup message to the Visited CSCF. The Fast Setup message includes the Destination Alias and the H.245 Address for the Terminating ME 22. Upon receipt of the Fast Setup message at step 47, the Visited CSCF performs the relationship function, as shown in FIG. 1, to determine its relationship to the called mobile subscriber and the required call processing steps.

In the current situation, the Visited CSCF 32 is not the called mobile subscriber's Home CSCF, but is the Serving CSCF for the called subscriber. Therefore, referring briefly to FIG. 1, it can be seen that the process proceeds from step 11 where the Fast Setup message is received, to steps 12, 13, and 15 where it is determined that **the Visited CSCF should obtain the called subscriber's transport address and set up the call.** Therefore, referring once again to FIG. 2, **the Visited CSCF sends a Routing message 48 for the Destination Alias to the Location Server 23 in the Serving Network 31.** This results in a Response to the Visited CSCF at 49 which indicates the transport address of the Terminating ME 22.

(Underlining and bolding added). Thus, Foti II teaches that the HSS is queried to obtain **location information** from the mobile subscriber. Location information and a transport address are separate and distinct entities. Foti II does not teach that the HSS is queried to obtain a transport address. Instead, Foti II teaches that the HSS returns the IP address of the visited CSCF, and subsequently the visited CSCF then **requests the TA from the location server.** Therefore, Foti II fails to teach, suggest, or describe “providing the TA and an address of the S-CSCF to a Home Subscription Server (HSS) for storage at the HSS” and “receiving the TA from the HSS in response to a loss of the TA by the S-CSCF such that the TA is restored at the S-CSCF” as recited in Claims 1, 8, and 29.

As a result, Bharatia, Foti I, and Foti II fail to teach, suggest, or disclose all of the elements of at least independent Claims 1, 8, and 29. An obviousness rejection cannot be

properly maintained where the references used in the rejection do not disclose all of the recited claim elements. Claims 31 and 32 depend from one of Claims 1 and 29. Therefore, Applicants respectfully request withdrawal of the rejection of Claims 1, 8, 29, 31, and 32.

IV. Rejection of Claims 3-5, 7, 10-12, and 14 under 35 U.S.C. § 103(a)

In section 4 of the Office Action, Claims 3-5, 7, 10-12, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bharatia in view of Foti I and further in view of Foti II and U.S. Patent No. 6,163,532 to Taguchi *et al.* (Taguchi). Applicants respectfully disagree and respectfully submit that Bharatia, Foti I, Foti II, and Taguchi, alone and in combination, fail to teach, suggest, or describe all of the elements of at least independent Claims 1, 5, 8, and 12.

Claims 3, 4, 10, and 11

Claims 3 and 4 depend from Claim 1. Claims 10 and 11 depend from Claim 8. As discussed in section III. above, Bharatia, Foti I, and Foti II fail to teach, suggest, or disclose “providing the TA and an address of the S-CSCF to a Home Subscription Server (HSS) for storage at the HSS” and “receiving the TA from the HSS” as recited in Claim 1, and similarly recited in Claim 8. Taguchi also fails to teach anything whatsoever related to “providing the TA and an address of the S-CSCF to a Home Subscription Server (HSS) for storage at the HSS” and “receiving the TA from the HSS” as recited in Claim 1, and similarly recited in Claim 8.

Therefore, Bharatia, Foti I, Foti II, and Taguchi fail to teach, suggest, or disclose all of the elements of at least independent Claims 1 and 8. An obviousness rejection cannot be properly maintained where the references used in the rejection do not disclose all of the recited claim elements. Therefore, Applicants respectfully request withdrawal of the rejection of Claims 3, 4, 10, and 11 for at least this reason.

Claims 5, 7, 12, and 14

Neither Bharatia, Foti I, Foti II, or Taguchi teach “storing the TA in a non-volatile memory of the S-CSCF” and “restoring the TA to the S-CSCF from the non-volatile memory in response to a loss of the TA by the S-CSCF” as recited in Claim 5, and similarly recited in Claim 12.

On pages 6-7 of the Office Action, the Examiner states:

The combination of Bharatia and Foti (US 6,839,323) does not specifically disclose ... storing the TA in the S-CSCF, and restoring the TA to the S-CSCF in response to a loss of the TA by the S-CSCF.

Foti (US 6,654,606) teaches ... storing the TA in the S-CSCF (see column 3, lines 11-34), and restoring the TA to the S-CSCF in response to a loss of the TA by the S-CSCF (see column 3, lines 11-34).

Thus, the Examiner acknowledges that Bharatia and Foti I fail to teach at least these elements of Claims 5 and 12. The Examiner looks to Foti II to provide these teachings. Applicants respectfully submit that Foti II also fails to teach at least these elements of Claims 5 and 12.

At column 3, lines 11-34 cited by the Examiner, Foti II states:

At step 12, the CSCF determines whether or not it is the Home CSCF of the called subscriber. If not, the process moves to step 13 where the CSCF determines from its internal database whether or not it is currently serving the called subscriber. If not, the process moves to step 14 where a query is sent to a Domain Name Server (DNS) to find the next hop address for the setup message. If the CSCF is currently serving the called subscriber, the process moves to step 15 where the CSCF obtains the called subscriber's transport address and proceeds to set up the call.

Returning to step 12, if the CSCF determines that it is the Home CSCF of the called subscriber, the process moves to step 16 where the CSCF checks its internal database to determine whether or not the called subscriber is located in the home area. If so, the process moves to step where the CSCF obtains the called subscriber's transport address and proceeds to set up the call. If the called subscriber is not located in the home area, the process moves instead to step 17 where the CSCF obtains location information from the subscriber's Home Subscriber Server (HSS). The HSS returns the address of a Visited CSCF, and the CSCF forwards the call setup message to the Visited CSCF at step 18.

(Underlining added). In the cited portion, Foti II fails to describe how the CSCF “obtains the called subscriber's transport address” However, Foti II further states:

Therefore, referring briefly to FIG. 1, it can be seen that the process proceeds from step 11 where the Fast Setup message is

received, to steps 12, 13, and 15 where it is determined that the Visited CSCF should obtain the called subscriber's transport address and set up the call. Therefore, referring once again to FIG. 2, the Visited CSCF sends a Routing message 48 for the Destination Alias to the Location Server 23 in the Serving Network 31. This results in a Response to the Visited CSCF at 49 which indicates the transport address of the Terminating ME 22.

(Col. 4, lines 39-49; underlining and bolding added). Thus, Foti II teaches that the CSCF obtains the TA from the Location Server as also discussed in section III. above. Therefore, according to Foti II, the transport address is stored in the Location Server not the CSCF. As a result, Foti II fails to teach, suggest, or describe “storing the TA in a non-volatile memory of the S-CSCF” and “restoring the TA to the S-CSCF from the non-volatile memory in response to a loss of the TA by the S-CSCF” as recited in Claims 5 and 12.

Taguchi describes “a communication system across an in-office PC system (10) and an in-enterprise LAN system.” (Abstract). Taguchi discloses “[t]he control unit includes a memory unit such as RAM [or] hard disk. (Column 16, lines 53-54). As such, Taguchi only discloses the mere existence of a memory unit. Taguchi fails to disclose anything relating to the memory unit being part of an S-CSCF or the transport address being stored on or restored from the memory unit of an S-CSCF. Thus, Taguchi fails to teach anything whatsoever related to “storing the TA in a non-volatile memory of the S-CSCF” and “restoring the TA to the S-CSCF from the non-volatile memory in response to a loss of the TA by the S-CSCF” as recited in Claims 5 and 12. As a result, Bharatia, Foti I, Foti II, and Taguchi fail to teach at least these features of Claims 5 and 12.

Therefore, Bharatia, Foti I, Foti II, and Taguchi fail to teach, suggest, or disclose all of the elements of at least independent Claims 5 and 12. Claim 7 depends from Claim 5. Claim 14 depends from Claim 12. An obviousness rejection cannot be properly maintained where the references used in the rejection do not disclose all of the recited claim elements. Therefore, Applicants respectfully request withdrawal of the rejection of Claims 5, 7, 12, and 14.

Applicants believe that the present application is in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

By 

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